

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

PATRICIA KENNEDY,

Plaintiff,

v.

Case No: 6:17-cv-605-Orl-41GJK

**RHODA SOLANO and SOLANO
ENTERPRISES, INC.,**

Defendants.

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

MOTION: DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS (Doc. No. 59)

FILED: February 1, 2018

THEREON it is ORDERED that the motion is DENIED.

On January 18, 2018, United States District Judge Carlos E. Mendoza dismissed this case with prejudice, finding that the Court lacked subject matter jurisdiction over the case. Doc. No. 55. On January 22, 2018, Plaintiff filed a notice of appeal. Doc. No. 56. On February 1, 2018, Defendants filed a motion for attorneys' fees and costs (the "Motion"). Doc. No. 59.

There is a pending appeal of Judge Mendoza's January 18, 2018 order. Doc. No. 56. It does not appear that consideration of the appeal would be better informed if accompanied by a decision on attorneys' fees. Moreover, the Eleventh Circuit's determination of Plaintiff's appeal may affect the Court's consideration of the Motion. Accordingly, the undersigned finds it appropriate to deny

the Motion without prejudice. *See* Comments to 1993 Amendments to Fed. R. Civ. P. 58. Defendants may renew the Motion, if appropriate, after appellate proceedings have concluded and after conferring with Plaintiff in a good faith effort to resolve the issues raised in the Motion.

Accordingly, the Motion (Doc. No. 59) is **DENIED**.

DONE and **ORDERED** in Orlando, Florida on February 5, 2018.



GREGORY J. KELLY
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record
Unrepresented Parties